

# **THE KENTUCKY BOARD OF LICENSURE FOR PRIVATE INVESTIGATORS**

**Minutes  
December 8, 2010**

A regular Board Meeting of the Kentucky Board of Licensure for Private Investigators was held at the Board offices, Office of Occupations and Professions, 911 Leawood Drive, Frankfort, KY on December 8, 2010.

## **MEMBERS PRESENT**

Edward Mercer, Chairman  
Tracy J. Watwood, Police Officer  
Daniel Triplett, Private Investigator  
John L. Logdon, Private Investigator  
Mary Pedersen, Citizen at Large  
Nicole H. Pang, Representing Attorney General

## **OCCUPATIONS & PROFESSIONS STAFF**

Frances Short, Executive Director  
David Garr, Deputy Executive Director  
Adriana Lang, Board Administrator

## **MEMBER ABSENT**

Sheriff Kathryn H. Whitt

## **OTHERS PRESENT**

Jim Grawe, Board Counsel  
Roger McDonald  
Shawn Daniel  
Eric Lamb  
Michael Thompson  
Mark Stivers

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## **CALL TO ORDER**

The Chairman, Mr. Mercer, called the meeting to order at 1:20 p.m.

## **PLAQUE PRESENTATION**

Mr. Mercer presented a plaque to Captain McDonald on behalf of the Board. He also thanked him for the time he served as a member of the Board.

Mr. Mercer asked staff members to send Mr. Newbern's plaque by mail.

## **2011 BOARD MEETING SCHEDULE**

The Board scheduled the 2011 meetings for, January 6, February 3, March 3, April 7, May 5, June 2, July 7, August 4, September 1, October 6, November 3 and December 1. All meetings will be held at the Office of Occupations and Professions 911, Leawood Drive, Frankfort, Kentucky.

## **APPROVAL OF MINUTES**

The minutes of October 20, 2010 regular meeting was called to the attention of the members. A motion was made by Mr. Logdon to approve the minutes, as amended. The motion, seconded by Mr. Triplett, carried unanimously.

## **FINANCIAL STATEMENT**

The Board reviewed the Financial Statement for the period ending November 30, 2010. A motion was made by Ms. Pedersen to accept the Financial Statement as presented. The motion, seconded by Mr. Watwood, carried unanimously.

### **LICENSURE STATUS REPORT**

The Board reviewed the Licensure Status Report as of December 8, 2010.

### **DIRECTOR'S REPORT**

- 1) Ms. Short informed the Board that effective December 16, 2010, she will be transferred to the Labor Cabinet, and that Mr. David Garr will be the new Acting Executive Director.
- 2) Ms. Short provided a correspondence from Jeff Boler regarding photographs for id cards. Mr. Logdon made a motion to make it mandatory that all applicants and licensees provide a passport type photograph for the id card, otherwise, the photograph will not be accepted. The motion, seconded by Ms. Pedersen, carried unanimously.
- 3) Ms. Short informed the Board that the Memorandum of Agreement between the Office of Occupations and Professions and the Kentucky Board of Licensure for Private Investigators has been finalized, signed by the Public Protection Cabinet's Secretary and the Chairman of the Board.
- 4) Ms. Short expressed concerns about licensees' behaviors toward staff members. Ms. Short informed the Board that Mr. James Starks came into the Board office and behaved very irate and unethically towards herself and staff members. She also advised the Board of unprofessional telephone communications from Larry Coombs. Mr. Mercer stated that O&P management should decide who is allowed in the building and handle any situation that involves such behaviors. Furthermore, Mr. Mercer encouraged staff members to report to the Complaint Committee. Mr. Triplett made a motion for Legal Counsel to write a letter to Mr. Coombs' employer and copy Mr. Coombs. The letter is to state that based on Board records, Mr. Coombs behaved unprofessionally toward staff members, advise him that unprofessional conduct is not acceptable, actions will be taken if it occurs, and to let him know that he is not longer to contact Ms. Lang. In addition, if he needs assistance, he is to contact Mr. David Garr. The motion, seconded by Mr. Logdon, carried unanimously.

### **ATTORNEY'S REPORT/ LEGAL MATTERS**

Mr. Grawe provided the following report:

- 1) 201 KAR 41:100. Verification of 240 hour employees has been deferred. Mr. Mercer stated that he had communicated with Senator Denton regarding the matter, and he was informed that Senator Tapp will no longer be a sponsor at the next legislative session. The Board agreed to move forward with the regulation.

### **COMPLAINT COMMITTEE REPORT**

09-004- Injunction has been served by the Sheriff's office, and a response from the individual's attorney has been received. Case is ongoing. Mr. Triplett recused himself from case 09-004.

10-003- The Complaint Committee met with the individual and his attorney. Information provided indicates that this case may be dismissed. Case is ongoing

10-004- Mr. Triplett made a motion to dismiss and close the case. The motion, seconded by Mr. Watwood, carried unanimously.

### **NEW BUSINESS**

The Board reviewed an e-mail from Jan Sowinski regarding KRS 329A.070 (9). The Board deferred the matter for the Legal Counsel to send a response.

### **NEW BUSINESS CONTINUED**

The Board reviewed a correspondence from James Starks regarding the proposed regulation. After a lengthy discussion, Mr. Mercer suggested to defer the correspondence to Legal Counsel to see if a response is necessary. Mr. Triplett made a motion for Legal Counsel to send a letter to Mr. Starks advising him that unprofessional conduct is not tolerable. The motion, seconded by Mr. Logdon, carried unanimously.

The Board reviewed correspondence from Veracity Research co. regarding William Bullock. Ms. Pedersen made a motion to initiate a formal complaint against Mr. Bullock. The motion, seconded by Ms. Pang, carried unanimously.

The Board reviewed informational correspondence from the Law Office of Douglas J. Hallock.

### **APPLICATION REVIEW COMMITTEE REPORT**

INDIVIDUALS APPROVED WITH PROVISIONS: *Kelley Goins, Gregory Hansche, Chad Moran, Steven Nave, Timothy Upchurch and Barry Wells.*

A motion was made by Ms. Pedersen to approve the applications with provisions. The motion, seconded by Mr. Logdon, carried unanimously.

INDIVIDUAL DEFERRED: *Corey King.*

A motion was made by Mr. Logdon to defer Mr. King's application. The motion, seconded by Mr. Triplett, carried unanimously.

REINSTATEMENTS APPROVED: *Thomas Rottinghaus and Joseph Stidham.*

### **TRAVEL AND PER DIEM**

A motion was made by Mr. Triplett to approve payment of travel expenses and per diem compensation for eligible members in attendance at today's meeting. The motion, seconded by Mr. Logdon, carried unanimously.

### **ADJOURNMENT**

The Chairman, Mr. Mercer informed the Board that the next meeting is scheduled for Thursday January 6, 2011 at 1:00 p.m., the Application Review Committee Meeting at 10:00 a.m. Having no further business to be brought before the Board, a motion was made by Mr. Logdon to adjourn. Motion seconded by Mr. Watwood, carried unanimously. The meeting adjourned at 2:35 p.m.